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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,132	08/28/2003	Richard A. Kingston	02-1-865	8191

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Danvers, MA 01923

EXAMINER

HINES, ANNE M

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,132

Applicant(s)

KINGSTON ET AL.

Examiner

Anne M. Hines

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 19-25 is/are allowed.
- 6) ☒ Claim(s) 10,15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 11-14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on January 5, 2006, has been entered and acknowledged by the Examiner.

Claims 1-25 are pending in the instant application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trent et al. (US Pat. No. 6,720,718) (of record) and further in view of Brown et al. (US Pat. No. 6,188,164) (of record).

Regarding claim 10, Trent teaches and electric lamp comprising: a light transmissive outer envelope (Fig. 1, 18; Column 2, line 57) with a lamp assembly therein, said lamp assembly comprising, a stem assembly comprising a stem (Fig. 1, 36; Column 5, lines 24) and first and second electrical conductors (Fig. 1, 38 & 40; Column 5, lines 24-25); a single-ended electric lamp capsule (Fig. 1, 12; Column 2, line 51) comprising first and second lead wires disposed at one end of said capsule (Fig. 1, 28 & 30; Column 3, line 18), said first and second lead wires being electrically connected to said first and second electrical conductors, respectively; a pyrophoric fuse

Art Unit: 2879

electrically connected in series with one of said first and second lead wires (Fig. 1, 14; Column 3, lines 12-25). Trent fails to teach wherein a retainer mechanically connects the stem assembly to the capsule, said retainer comprising first and second substantially identical rigid frames each having first and second ends and first and second sides, said stem being clamped between respective said first ends and said one end of said capsule being clamped between respective second ends, said frames having an opening therethrough in which said lead wires, said conductors, and said fuse are exposed. Brown teaches a retainer for an electric lamp wherein a retainer (Fig. 1, nos. 14, 11, and 12) mechanically connects the stem assembly to the capsule (Fig. 1, 5), said retainer comprising first and second substantially identical rigid frames (Fig. 1, nos. 14a, 14b, 11, and 12) each having first and second ends and first and second sides (Fig. 1), said stem being clamped between respective said first ends and said capsule being clamped between respective second ends (Fig. 1), said frames having an opening therethrough (Fig. 1) in order to properly orient the arc tube within the lamp envelope (Column 1, lines 18-22). One of ordinary skill in the art would reasonably contemplate have said one end of said capsule, of Trent, as the end clamped between the second ends of said frames since the frames of Brown are attached to the press seal portion of the lamp capsule (Fig. 1) and the press seal of the lamp capsule in Trent is the said one end of the capsule (Fig. 1, 31). Therefore, it would have been obvious to one of ordinary skill in the art to modify the electric lamp of Trent by adding a retainer, as disclosed by Brown, in order to properly orient the arc tube within the lamp envelope.

Regarding claim 15, Brown further discloses wherein said retainer is electrically isolated from the electrical conductors (Fig. 1). It should be noted that it would be obvious to one of ordinary skill in the art that the retainer connected only to the glass stem and the edges of the capsule is electrically isolated from the electrical conductors. Motivation to combine is the same as for claim 10.

Regarding claims 17 and 18, Brown further teaches wherein the retainer is structured and arranged to hold said stem assembly and said capsule a fixed distance apart with respect to a longitudinal axis of said capsule (Column 1, lines 18-22). And further that the retainer is structured and arranged to center (Fig. 1) said stem assembly and said capsule along said longitudinal axis to prevent movement of said stem assembly and said capsule with respect to each other in a direction perpendicular to said longitudinal axis (Column 1, lines 18-22). It should be noted that it would be obvious to one of ordinary skill in the art that a retainer for properly orienting the capsule within the lamp envelope prevents the capsule from moving once it is properly oriented. Motivation to combine is the same as for claim 10.

Allowable Subject Matter

Claims 1-9 and 19-25 allowed.

Regarding claim 1, the references of the Prior Art of record fail to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation wherein an electric lamp assembly comprises a retainer comprising first and second plates each having first and second ends, has a lamp

stem clamped between the first ends of the first and second plates and a light capsule is clamped between the second ends of the first and second plates.

Regarding claims 2-9, claims 2-9 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

Regarding claim 19, the references of the Prior Art of record fail to teach or suggest the combination of the limitations as set forth in claim 19, and specifically comprising the limitation wherein an electric lamp assembly comprises a rigid chassis defined by two generally rectangular frames that are joined to each other along both sides of said chassis, said chassis having an opening therein.

Regarding claims 20-25, claims 20-25 are allowable for the reasons given in claim 19 because of their dependency status from claim 19.

Claims 11-14 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed January 5, 2006 have been fully considered but they are not persuasive.

Applicant argues regarding claim 10 that the references fail to teach or suggest a retainer comprising first and second substantially identical rigid frames each having first

Art Unit: 2879

and second ends and first and second sides wherein the stem of the stem assembly is clamped between respective first ends of the frames and the end of the capsule containing the first and second lead wires is clamped between respective second ends of the frames.

The Examiner respectfully disagrees. The Compact Oxford English Dictionary defines the word frame as: a rigid supporting structure of an object. Using this definition for the word frame, the Brown reference meets the structural requirements of the retainer of claim 10. See claim 10 rejection above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2879

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne M. Hines whose telephone number is (571) 272-2285. The examiner can normally be reached on Monday through Friday from 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anne M Hines
Patent Examiner
Art Unit 2879

AmH
3/6/06

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MARICELI SANTIAGO
PRIMARY EXAMINER